

Application Serial No.: 10/000,271
Amendment and Response to January 10, 2005 Non-Final Office Action
and Telephone Interview of August 18, 2005

REMARKS

Claims 2-8, 33-36, and 39-40 are in the application. Claims 1, 9-32, 37, and 38 are canceled, claims 2-8, 33-36, and 39-40 are currently amended. Claims 3, 5, 34, and 40 are the independent claims herein.

No new matter has been added to the application as a result of the amendments submitted herewith.

Applicant and Applicant's attorney representatives wish to acknowledge with appreciation the telephone interview conducted on August 16, 2005 by Examiner Thuy Pardo.

Applicant and Applicant's attorney representatives also wish to acknowledge with appreciation the indication of allowable subject matter. In particular, the Office Action indicated that claims 3, 5, 6, 34, 35, and 40 were objected to for being dependent on a rejected base claim but would be allowable if rewritten in independent form including all of the limitations of the base claim and intervening claims.

In response thereto, claims 3 and 5 are currently amended to incorporate the previous base claim 1; claim 34 is currently amended to incorporate the previous base claim 32; and claim 40 is currently amended to incorporate the previous base claim 38. Furthermore, Applicant submits that all of the pending claims are amended to overcome the rejections of record (i.e., the rejection under 35 USC 101), as discussed in detail below.

Accordingly, reconsideration of the following remarks and further examination are respectfully requested.

Claim Rejections – USC § 101

Claims 1-36 were rejected for being directed to non-statutory subject matter. The Office Action further stated that the content of these claims in and of themselves does not constitute a statutory process, machine, manufacture or composition of matter.

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In an effort to advance prosecution of the present application (not an admittance of the validity of the rejection), Applicant submits herewith currently amended claims 3, 5, and 34. Currently amended claims 3 and 5 include aspects of the previous base claim 1 (now canceled) and further recite "a processor". Therefore, Applicant respectfully submits that claims 3 and 5 overcome the rejection thereof under 35 USC 101. Furthermore, Applicant respectfully submits that dependant claims 2, 4, and 6-8 also overcome the rejection under 35 USC 101.

Claim 34 is amended to recite aspects of the previous base claim 32 and relates to "an apparatus storing processor-executable instructions thereon". Applicant respectfully submits that the claimed "apparatus" comprises statutory subject matter. Thus, Applicant respectfully submits that claim 34 overcomes the rejection thereof under 35 USC 101. Furthermore, Applicant respectfully submits that dependant claims 33, 35, and 36 also overcome the rejection under 35 USC 101.

Accordingly, Applicant requests the reconsideration and withdrawal of the rejection of claims 2-8 and 33-36 under 35 USC 101.

Claim Rejections – USC § 103(a)

Claims 1, 2, 4, 7-33, and 36-39 were rejected as being unpatentable over Pattison et al U.S. Patent No. 5,999,936 ("Pattison"), in view of Gruenwald, U.S. Patent No. 6,457,006 ("Gruenwald").

Applicant respectfully submits that this rejection is moot in view of the current claim amendments and indicated allowable subject matter. Accordingly, Applicant respectfully requests the withdrawal of the 35 USC 103(a) rejection.

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CONCLUSION

Accordingly, Applicants respectfully request allowance of the pending claims. If any issues remain, or if the Examiner has any further suggestions for expediting allowance of the present application, the Examiner is kindly invited to contact the undersigned via telephone at (203) 972-5985.

Respectfully submitted,

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Date



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